

**REMARKS/ARGUMENTS**

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Several typographical errors were found in the specification. These have now been corrected.

The Abstract of the Disclosure was said to require correction because of the phrase "the present invention is directed." Applicants believe this objection is now overcome with the attached revised Abstract.

Claim 1 has been amended to incorporate aspects found in claims 2, 3 and 13. Further, claim 1 specifies a label cover and soft feel material which have support in the specification at page 6, last paragraph (first sentence). Claim 16 reciting a difference in color between the covering and the ceiling finds support at page 7, third paragraph. Claim 17 reciting the covering as being an in-mold label has support at page 5 (fourth paragraph) and page 7 (second paragraph). Claim 18 reciting a soft feel material having a Shore A or D hardness between 35 and 80 finds support at page 3 (second full paragraph).

Claims 1-8 and 10 were rejected under 35 U.S.C. § 102(b) as anticipated by Baar (U.S. Patent 2,394,135). Applicants traverse this rejection.

A primary object of the present invention was to provide consumers with a closure having a gripping area imparting enhanced comfort in handling during removal from a container. See page 2 (lines 5-7). More particularly, the present invention sought to

provide the consumer with a closure of more luxurious feel rendering the removal from a container more enjoyable. See page 3 (lines 4-8). These objectives were fulfilled by the present invention wherein a label covering is placed along a gripping area of a peripheral skirt. An outermost layer of the label is fashioned with a soft feel material to provide the aesthetic effect.

Baar has the stated objective to provide means for easily removing a screw-threaded cap or other closure from a container. See column 1 (lines 7-9). A more particular object was to provide a friction grip. The object is embodied in a band of rubber located under tension within a groove along a skirt of the container. See column 1 (lines 14-20). While both Baar and the present applicants are concerned with gripping in the removal of a closure, emphasis and approaches are quite different. Applicants are not primarily interested in providing sufficient friction to achieve grippability. Focus of the present invention is upon the aesthetics of a soft feel material experience. The harsh surface of a tensioned rubber band is hardly an appealing aesthetic. The reference does not disclose the concept or desirability of having a soft feel material placed along the gripping area. Neither does this reference teach a label covering. Still further, there is no disclosure that the covering has a thickness from about 2 to about 12 mils. Based on all these distinctions, Baar neither anticipates nor renders the instant invention obvious.

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Thompson (U.S. Patent 4,627,548). Applicants traverse this rejection.

The Thompson invention is directed to avoiding injury to a user's hand when removing from a container a serrated twist-off cap. See the Abstract. The solution to the problem is a plastic material sprayed or painted onto the cap covering the serrations.

The best that the Thompson invention can accomplish is to avoid pain in removing a serrated edge bottle cap. There is no teaching or suggestion to provide the consumer with unusual aesthetics in the form of a soft feel material.

Amended claim 1 requires a label covering. Thompson does not disclose this feature. Neither does the reference disclose the label thickness of about 2 to about 12 mils.

Still further, the present invention requires the ceiling of the closure to be free of any label covering. The Examiner has focused upon Fig. 4 and 5 of the reference which illustrates a ring 25. Although in the illustrated embodiment, the ring material does not totally overlie topwall 13, the Figures do illustrate at least a portion of the upper wall of the ring peripherally covering top wall 13. For all these reasons, Thompson neither anticipates nor renders the instant invention obvious.

Claims 1-3, 11 and 12 were rejected under 35 U.S.C. § 102(b) as anticipated by Simard (U.S. Patent 4,776,476). Applicants traverse this rejection.

Simard reveals a rupturable element, preferably in the form of a strip attached by an adhesive, overlying the crown cap of a beer bottle. The object of this closure assembly is to serve as a cushioning device for hand gripping when twisting off the crown cap.

By contrast with the present invention, there is no disclosure that the rupturable strip element has a soft feel material placed outermost for contact by the consumer. Pads of resilient materials such as rubber, are mounted to the strip and face the skirt of the crown cap. See column 1, lines 62-63. This disclosure is quite different from that of the present invention where soft feel material faces outward away from the skirt. In Simard, the pads of resilient material are not in touch with a consumer's hand.

Fundamental to the Simard closure assembly is that the rupturable element be placed over the top of crown cap 7. By contrast, applicants' claims require that the ceiling be free of any label covering. Neither does Simard disclose a label covering with a thickness from about 2 to about 12 mils. Based on all the foregoing distinctions, Simard would neither anticipate nor render the instant invention obvious.

Claim 15 was rejected under 35 U.S.C. § 103(a) as obvious over Thompson. Applicants traverse this rejection.

Claim 15 is dependent through amended claim 1. Applicants have already noted serious deficiencies in this reference. Thompson does not disclose a label covering. At least a peripheral portion of ring 25 must cover the serrated twist-off bottle cap. By contrast, applicants' claim 1 requires that the ceiling not be covered with any label covering. Also missing is any disclosure with respect to the claimed thickness of about 2 to about 12 mils for the label covering. Finally, there is no disclosure of a soft feel material which must be placed on an outermost surface of the label covering. For all these reasons, Thompson would not render the instant invention obvious.

Claim 15 was also rejected under 35 U.S.C. § 103(a) as unpatentable over Baar. Applicants traverse this rejection.

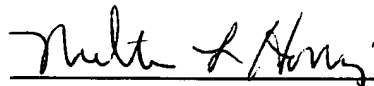
Claim 15 is dependent through amended claim 1. Applicants have already identified the various deficiencies of Baar. This reference does not disclose soft feel material. Neither is there any disclosure of a label covering. Nor is there mention that the covering is limited to a thickness from about 2 to about 12 mils. For all these reasons, the reference would not render the claims obvious.

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Simard. Applicants traverse this rejection.

Claims 13 and 14 depend through amended claim 1. Various deficiencies of Simard have already been discussed. These include failure to disclose a soft feel material on an outermost surface of a label covering. Amended claim 1 specifically recites that the label covering is absent from a ceiling of the closure. In Simard, the rupturable strip element must as an essential feature to be operative cover the crown cap. For these reasons, Simard would not render the instant invention obvious.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



Milton L. Honig  
Registration No. 28,617  
Attorney for Applicant(s)

MLH/sm  
(201) 894-2403